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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,952	06/05/2006	Ate Sander Van Steenbergen	PTT-219(402904US/3)	1701
7265 7590 11/15/2007 MICHAELSON & ASSOCIATES P.O. BOX 8489 RED BANK, NJ 07701			EXAMINER FABER, DAVID	
			ART UNIT 2178	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,952	<b>Applicant(s)</b> VAN STEENBERGEN ET AL.	
	<b>Examiner</b> David Faber	<b>Art Unit</b> 2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the application filed on 15 December 2005, the preliminary amendment filed on 15 December 2005, and the Information Disclosure Statement filed on 15 December 2005.

**This office action is made Non-Final.**

2. Claims 1-13 are pending. Claim 1 and 10 are independent claims.

### ***Priority***

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/483481, filed 27 June 2003 and 60/483808 filed on 30 June 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35

U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its

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inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

4. The information disclosure statement filed 15 December 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because reference AA fails to meet the requirements of 37 CFR 1.98 stating that "Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date." In addition, the statement of the ISR and Written Opinion submitted fails to meet the requirements of 37 CFR 1.98 stating "A list of all patents, publications, applications, or other information submitted for consideration by the Office. U.S. patents and U.S. patent application publications must be listed in a section separately from citations of other documents" and "each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication." It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes

of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

5. The drawings were received on 15 December 2005. These drawings are accepted.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "translates content" in lines 3-4. Examiner is unsure if this "content" is a new element or depending of the content... introduced in line 2. Thus, there is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "translation function" in lines 4-5. Examiner is unsure if this "translation function" is a new element or depending of the content... introduced in line 3. Thus, there is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 recites the limitation "production content" in line 6. Examiner is unsure if this "production content" is a new element or depending of the content... introduced in

line 4. Thus, there is insufficient antecedent basis for this limitation in the claim.

11. Claim 7 recites the limitation "the screen comprised by the end-user device" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 10 recites the limitation "the output of translation function" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 10 recites the limitation "translation function" in lines 2-3. Examiner is unsure if this "translation function" is a new element or depending of the content... introduced in line 3 of claim 1. Thus, there is insufficient antecedent basis for this limitation in the claim.

14. Claim 10 recites the limitation "characteristics of an end-user device type" in lines 4-5. Examiner is unsure if this "characteristics of an end-user device type" is a new element or depending of the content... introduced in lines 5-6 of claim 1. Thus, there is insufficient antecedent basis for this limitation in the claim.

15. Claim 10 recites the limitation "preview content" in lines 6-7. Examiner is unsure if this "preview content" is a new element or depending of the content... introduced in line 5. Thus, there is insufficient antecedent basis for this limitation in the claim.

16. Claim 10 recites the limitation "an end user" in line 8. Examiner is unsure if this "an end user" is a new element or depending of the content... introduced in lines 2-3 of claim 1. Thus, there is insufficient antecedent basis for this limitation in the claim.

17. Claim 10 recites the limitation "an end user device" in line 8. Examiner is unsure if this "an end user" is a new element or depending of the content... introduced in lines 2 of claim 1. Thus, there is insufficient antecedent basis for this limitation in the claim.

18. Claim 10 recite the term "can" within the claim limitations as in "...preview content can be presented...". The use of "can" make the claims vague and indefinite since just because the preview content can be presented does not necessary means it will be presented, if at all.

19. Claim 11 recites the limitation "the preview means" in lines 3. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 11 recites the limitation "by user" in line 3-4. Examiner is unsure if this "an end user" is a new element or depending of the content... introduced in lines 1 of claim 1. Thus, there is insufficient antecedent basis for this limitation in the claim.

21. Claim 12 recites the limitation "the preview means" in lines 2. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 13 recites the limitation "the size of a screen that is used for preview purposes" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



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24. Claims 1-4, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner (US PGPub 2002/0156813, filed 3/28/2002).

As per independent claim 1, Gardner discloses a method for:

- Editing by a user of content to be represented via an end-user device to an end-user (Paragraph 0013; 0036: Discloses the user has the ability to edit the source document).
- Using a translation function that translates content into production content which translation function makes use of characteristics of an end-user device type, (Paragraph 0017, 0030, 0060: Discloses the source document being transformed into another content markup language document such as WML or HTML for different user devices such as WAP telephones or internet browsers.)
- resulting in production content that is suitable for being presented via an end-user device of said type.(Paragraph 0060)

As dependent claims 2 and 3, Gardner discloses that the characteristics of an end-user device type are represented by parameters that are available to the translation function and the characteristics of an end-user device type are hardware related characteristics. (Paragraph 0028, 0031: Discloses the transformation is to be performed by the transform modules. Thus, manufacturers of the devices for which the modules generate an output that may produce the transform module that contain parameters of the device for transforming the source document for that a device. Thus, its inherent a

user downloading the transform module for a device by the device's manufacturer will include the hardware related characteristics (parameters) since the manufacturers developed, made, and manufactured the device and knows what the device is capable of handling. )

As per dependent claim 4, Gardner discloses the characteristics of an end-user device type are software related characteristics. (Paragraph 0032: discloses software module modules or drivers may be needed)

As per dependent claim 7, Gardner discloses the characteristics of an end-user device type relate to the screen comprised by the end-user device. (Paragraph 0005 discloses instructions provided to the rendered contain information about the content is arranged on a computer screen and smaller displays. Thus, FIG 6 and 7 discloses how the transformed document would appear on the screen of a WAP enabled telephone and Paragraph 0055 discloses the simulation how the content would appear on the screen when displayed on a target device.)

As per dependent claims 8 and 9, Gardner discloses the content is XML and the translation function uses XSL style sheets (Paragraph 0030-0031)

As per dependent claim 10, Gardner discloses the output of translation function is processed for preview purposes by a processing function that makes use of

characteristics of an end-user device type resulting in preview content that can be presented to the user and which preview content is representative for the production content as would be presented to an end-user via an end-user device of said type.  
(Paragraph 0013, 0055, FIG 6, 7)

As per dependent claim 11, Gardner discloses whereby the processing function also makes use of characteristics of the preview means that are used by user.  
((Paragraph 0013, 0055, FIG 6, 7: Discloses user ability to preview how the document will appear on the user device in a simulation)

As per dependent claim 12 and 13, Claims 12 and 13 recites similar limitations as in Claims 2, 3, 7 and are similarly rejected under rationale. Furthermore, Gardner disclose how a document would appear on the screen of a WAP telephone. (FIG 6,7; Paragraph 0055, 0057, 0060) Therefore, transforming a document to appear to be displayed on a WAP telephone is incorporating the screen size (hardware characteristic) of the user device and the preview ability of how it will appear on the user device.

### ***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner (US PGPub 2002/0156813, filed 3/28/2002).

As per dependent claim 5, Gardner fails to specifically disclose the characteristics of an end-user device type are firmware related characteristics. However, Gardner discloses manufacturers of the devices for which the modules generate an output that may produce the transform module for transforming the source document for that a device. (Paragraph 0028) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention that the downloading the transforming module from manufacturer of the device would include firmware characteristics of the device since the manufacturer knows the hardware and software capabilities of the device since providing the benefit of providing the correct instructions for the device for the device's functionality to function correctly.

27. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner (US PGPub 2002/0156813, filed 3/28/2002) in further view of Putz et al (US Patent 5,210,824, patented 5/11/1993).

As per dependent claim 6, Gardner fails to specifically discloses characteristics of a user group are taken into account by the translation function. However, Putz et al discloses user groups may employ specialized rendering programs to custom tailor the renderings they retrieve to their requirements. (Column 17, lines 52-54) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

have modified Gardner's method of developing documents with Putz et al's since it would have provided the benefit of producing renderings that are more or less optimized to the different environmental conditions under which, or the different output devices which, the user wishes to view them.

### ***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Martin et al (US Patent 6078936): Discloses how a source document would be displayed on another device.
- Battle (US PGPub 20030110442): Discloses how a source document would be displayed on another device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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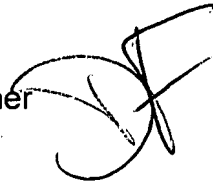
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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